

REMARKS/ARGUMENTS

The Examiner objected to claim 40 as being dependent upon a canceled claim. Claim 40 has been canceled.

The Examiner rejected claims 2-5 and 41 under 35 U.S.C. §102(e) as being anticipated by Alexander, U.S. Patent No. 6,177,931. Independent claim 2, from which claims 3-5 and 41 depend, as amended, includes the limitation of a “usage history description scheme including at least one description type defined by, at least in part, a thesaurus describing possible user actions including at least one of: (i) a user pausing content; (ii) a user fast forwarding content; (iii) a user rewinding content; (iv) a user muting content; (v) a user increasing the volume of content; (vi) a user decreasing the volume of content; (vii) a user randomly shuffling content; (viii) a user looping content; and (ix) a user copying from a CD.” This limitation is not disclosed by Alexander. Though that reference discloses the collection of statistical information about a user’s viewing habits, such as the number of times an EPG was accessed, the number of times particular shows or types of shows were watched or recorded, etc., Alexander does not disclose a thesaurus that describes the specific actions claimed. Nor would Alexander suggest describing such actions. Rather, Alexander focuses upon the types of activities by which a user’s thematic or semantic interests may be determined so that targeted advertisements may be delivered to the user. Thus, the system disclosed by Alexander reveals no use for collecting the type of information described in the claimed thesaurus. Therefore, the Examiner’s rejection of claims 2-5 and 41 should be withdrawn.

The Examiner rejected independent claim 6 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Alexander and Del Sesto et al., U.S. Patent No. 6,530,082. Independent claim 6 includes the limitation of “said description scheme including at least one type characterized by, at least in part, a time associated with said at least one of said audio, image, and video, said time expressed in coordinated universal time and media time.” The Examiner concedes that Alexander only discloses expressing a time in media time. Del Sesto,

conversely, discloses the desirability of expressing the time in either a coordinated universal time or a local time for Broadcast receivers. At best, the Examiner's argument supports a modification of Alexander's system to *substitute* the media time of Alexander with a coordinated universal time, as disclosed by Del Sesto, so as to "allow the system to operate independent of the receivers and transmitters with out the need to synchronize [those] receivers and transmitters." (The applicant notes that this cited prior art motivation, i.e. eliminating the need for synchronization, is achieved by a *substitution* of UTC for media time.) The claimed limitation, however, requires that the time be expressed in *both* media time and Coordinated Universal Time. Thus, the Examiner has failed to state a prima facie case of obviousness because the proposed combination fails to teach all claim limitations. Therefore, the rejection of claim 6, as well as its dependent claims 7-10 and 42 should be withdrawn.

The Examiner rejected claims 11-16, 19-23, 34-38, 43, 44, and 48 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Alexander and Schnase et al., U.S. Patent No. 6,078,928. Independent claims 11, 16, and 34, from which the remaining rejected claims respectively depend, each include the limitation of a "usage history description scheme stored on a mobile storage device selectively insertable into a multimedia system." As noted by the Examiner, Alexander discloses the compilation of profile information about users of an EPG in customer households, but fails to disclose locating that profile information on "a mobile storage device" nor discloses any use of the personal profile for which its mobility would be useful.

Schnase, conversely, discloses that certain tourist attractions, such as zoos, museums, etc. have displays that each attract the interest of some, but not necessarily all visitors. Each of those displays may or may not have additional associated information. For example, a display at a museum of a Renoir painting may have additional associated information like the biography of the artist, the date of the painting, similar works, etc. In order to enhance the volume and quality of the information a visitor may obtain about the displays, this reference merely discloses that the associated information may be stored in electronic form and downloaded onto magnetic storage

cards of visitors to be accessed later, as desired. The cards may also include profile information about the visitor so that the tourist attractions may collect interest information about its visitors, i.e. who and how many are interested in which exhibits.

The magnetic storage card of Schnase would be useless to the system of Alexander. First, Schnase's mobile card is disclosed to be useful only in circumstances where customers visit content-specific locations' exhibits for which the visitor may want to collect additional information. This situation does not exist in the system of Alexander, which instead provides wide-ranging content directly into a customer's home. Schnase, at best, discloses a mobile card that collects information at a public tourist attraction, to then possibly take home or elsewhere for perusal at a more convenient time; it does not disclose creating a profile at a place other than the tourist attraction, and using that card to customize content provided by a kiosk at a tourist attraction the customer might later visit. In fact, the kiosks of Schnase lack the ability to tailor the downloaded content to a profile stored on a card. Absent that functionality, Schnase discloses no use for a card that includes the profile information collected by Alexander.

Furthermore, neither reference discloses a need for Alexander's user profile to be mobile in the first instance. Alexander provides a content access point into a home, such as a set top box or computer, upon which profile information is collected and shared with the content provider/advertisers. In fact, Alexander fails to disclose any multimedia device into which the card would be inserted.

Therefore, the Examiner's suggested combination fails because neither reference discloses any motive for including Alexander's user profile onto a "mobile storage device selectively insertable into a multimedia system." Accordingly, the rejection of claims 11-16, 19-23, 34-38, 43, 44, and 48 should be withdrawn.

The Examiner rejected claims 28-33, 46 and 47 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Alexander and Sahai et al., U.S. Patent No. 6,594,699. Independent claim 28, from which the remaining claims depend, includes the limitation of "said

system permitting a user to selectively define the content of said usage history description scheme at multiple levels of granularity.” The Examiner contends that this limitation is disclosed by Sahai. It is not. That reference merely discloses the ability of a user to adjust transmission quality of *the signal received* in order to efficiently use the available bandwidth to the user. Neither Sahai nor Alexander disclose the desirability of permitting a user to define the level of detail collected about the user’s preferences regarding audiovisual content provided to the user. Therefore, the cited combination fails to disclose the limitation of “said system permitting a user to selectively define the content of said usage history description scheme at multiple levels of granularity.” The Examiner’s rejection of claims 28 -33, 46, and 47 should be withdrawn.

The Examiner rejected claims 24-27 and 45 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Alexander and Juels, U.S. Patent App. No. 2002/0026345. Independent claim 24, from which the remaining claims depend, includes the limitation of “said usage history description scheme including data indicating whether personal identification information of said user is intended to be revealed to third parties” As stated in a prior response, no combination involving a modification of Alexander’s system could disclose this limitation because the user profile of Alexander’s system never contains personal identification information of a user, e.g. name, address, phone number, etc., in the first instance. *See, e.g.*, Alexander at col. 28 lines 12-29. At most, Alexander distinguishes among multiple users by PIN numbers or other such generic means or assumes that the user is a “family.” Furthermore, though the information collected about a user may include personal information such as whether a user has children or owns a dog, none of that information either requires, or is enhanced by, the actual personal identification of the user. Though Alexander discloses using collected information to facilitate targeted advertisements, no advertiser needs to know personal identification information of a user of Alexander’s system because the advertisements are delivered through Alexander’s EPG. Therefore, there would be no suggestion in the prior art to make the cited combination; because Alexander never collects the personal identity of any users, a feature of allowing a user to prevent

Appl. No. 09/823,377
Amdt. dated Jul. 25, 2005
Reply to Office Action of Feb. 25, 2005

disclosure of that information would be pointless. Therefore, claims 24-27 and 45 are patentable over the cited prior art.

The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Alexander, Schnase, and Sahai, Each of these claims depend from claim 16 and are patentable over the cited combination for the same reasons as is claim 16.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 2-38, and 41-48.

Respectfully submitted,



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